

EXHIBIT “A”

EXHIBIT “A”

Hale Lane Peek Dennison and Howard
5441 Kietzke Lane, Second Floor
Reno, Nevada 89511

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(Admitted *pro hac vice* on March 7, 2006)

Attorneys for Defendants eTreppid Technologies,
L.L.C. and Warren Trepp

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF NEVADA**

DENNIS MONTGOMERY, an individual; and
MONTGOMERY FAMILY TRUST, a California
Trust,

Plaintiff,

vs.

ETREPPID TECHNOLOGIES, L.L.C., a Nevada
Limited Liability Company; WARREN TREPP,
an individual; DEPARTMENT OF DEFENSE of
the UNITED STATES OF AMERICA, and
DOES 1 through 10,

Defendants

CASE NO. 3:06-CV-00056-BES-VPC

**FIRST SET OF REQUESTS BY
DEFENDANT ETREPPID
TECHNOLOGIES, L.L.C. FOR
PRODUCTION OF DOCUMENTS BY
PLAINTIFFS DENNIS
MONTGOMERY AND THE
MONTGOMERY FAMILY TRUST**

PROPOUNDING PARTY:	Defendant eTreppid Technologies, L.L.C.
RESPONDING PARTIES:	Plaintiffs Dennis Montgomery and The Montgomery Family Trust
SET NUMBER:	ONE

Pursuant to Rule 34 of the Nevada Rules of Civil Procedure, Defendant eTrepid Technologies, LLC ("eTrepid"), by and through its undersigned counsel, Hale Lane Peek Dennison and Howard, hereby requests that Plaintiffs Dennis Montgomery and The Montgomery Family Trust (collectively, "Plaintiffs") produce the documents and things described below for inspection and copying by counsel for eTrepid. The production of documents and things shall occur at the offices of Hale Lane Peek Dennison and Howard, located at 5441 Kietzke Lane, Second Floor, in Reno, Nevada, at 10:00 a.m. on the thirtieth (30th) day following service of this request, unless extended by the parties or by law.

INSTRUCTIONS

1. The following rules of construction shall be applied herein: (1) the words "and" or "or" shall be construed conjunctively or disjunctively as necessary to make the requests for production inclusive rather than exclusive; (2) the singular includes the plural and vice-versa; and (3) the words "any," "all," "each" and "every" all include any, all, each and every.

2. The following requests seek all DOCUMENTS in YOUR possession, custody or control, wherever located, and specifically includes all DOCUMENTS in the possession, custody or control of YOUR agents, partners, officers, employees, attorneys, accountants, investigators, representatives and each of them. A DOCUMENT is deemed to be in YOUR possession, custody or control if it is in YOUR physical custody, or if it is in the physical custody of any other PERSON and YOU (i) own such DOCUMENT in whole or in part, (ii) have a right by contract, statute or otherwise, to use, inspect, examine or copy such DOCUMENT on any terms, (iii) have an understanding, express or implied, that YOU may use, inspect, examine or copy such DOCUMENT on any terms, or (iv) have, as a practical matter, been able to use, inspect, examine or copy such DOCUMENT when YOU sought to do so.

3. For each DOCUMENT that YOU decline to make available for inspection and copying on the grounds of privilege or the attorney work product rule, provide the following information:

- (a) State the date on which the DOCUMENT was created,
- (b) IDENTIFY the author of the document,
- (c) State the title of the DOCUMENT,

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5441 Kietzke Lane, Second Floor
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- 1 (d) Briefly describe the nature and contents of the DOCUMENT,
- 2 (e) IDENTIFY each PERSON or entity that received a copy of the
- 3 DOCUMENT or to whom the DOCUMENT or its contents were disclosed,
- 4 (f) Identify the privilege or rule that YOU contend protects the DOCUMENT from
- 5 disclosure, and
- 6 (g) Identify each fact on which YOU base YOUR contention that the privilege or
- 7 rule identified in YOUR response to section (e) of this instruction is applicable.

8 4. YOU shall produce only one copy of each DOCUMENT requested herein; however,

9 each non-identical version of any DOCUMENT shall constitute a separate document.

10 5. If these requests for production cannot be responded to in full, respond to the extent

11 possible, specify the reason for YOUR inability to respond to the remainder and state whatever

12 information or knowledge YOU have regarding the portion to which YOU have not responded.

13 6. Where a date is requested and the actual date is not known, state the approximate date.

14 DEFINITIONS

15 1. "COMMUNICATION" includes all conversations, written, oral, or electronic,

16 including meetings, memoranda, correspondence, conferences, and any other means or manner by

17 which information is or was conveyed to or received from others.

18 2. "COPYRIGHTS" means the following registered copyrights: TXu-98-018, TXu98-699,

19 TXu-98-727, TXu-98-728, TXu-98-731, TXu-117-868, TXu-119-540, TX-1-983-147, TX-1-992-867,

20 TX-2-000-234, TX-2-083-750, and TX-2-095-009.

21 3. "Defendants" refers herein to eTrepid Technologies, L.L.C. and Warren Trepp, either

22 collectively or individually.

23 4. "DOCUMENT" or "DOCUMENTS" means all forms of tangible expression including

24 any written, printed, recorded, pictorial, graphic or photographic material, however produced or

25 reproduced, of each document YOU have knowledge of or which is in YOUR possession, custody or

26 control as well as any matter attached thereto – including, but not limited to, the original or a copy of

27 any handwriting, typewriting, printing, photostatting, photographing, and every other means of

28 recording upon any tangible thing and form of communicating or representation, including letters,

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1 words, pictures, sounds, symbols, combinations of them, and any data, information, or electronic
2 media recorded in any form by or on a computer, floppy disk, compact disk, or similar device
3 (including, but not limited to, software and source code), correspondence, memoranda (internal, inter-
4 office and/or external), statements, agreements, e-mails (deleted and/or active), contracts, drafts,
5 telegraphs, cables, notes, reports, studies, analyses, records, evaluations, charts, ledgers, checks, tables,
6 tabulations, compilations, summaries, indices, abstracts, drawings, blueprints, labels, tags, pleadings,
7 testimony, speeches, articles, books, pamphlets, brochures, magazines, newspapers, calendars, diaries,
8 minutes, orders, photographs, moving pictures, microfilms, microfiche, tapes, recordings, computer
9 records and disks, and any other matter which contains any form of communication or representation,
10 and all drafts thereof.

11 5. "IDENTIFY" with reference to a natural PERSON means to state the name and last
12 known residence address and business address and home and work telephone numbers for such person,
13 as well as the name and address of his present employer, the nature of his current employment and his
14 employment relationship, if any, to YOU.

15 6. "IDENTIFY" with reference to a non-natural PERSON means to state the name and last
16 known business address and telephone numbers for such company.

17 7. "IDENTIFY" with reference to a DOCUMENT means to state the date that it bears, its
18 author(s), its specific format(s) (for example, a computer file in Microsoft Word format, or an email in
19 HTML format), and any PERSON known to have seen, received or reviewed its contents. Whenever
20 YOU are requested to "IDENTIFY" a DOCUMENT, YOU may submit the DOCUMENT itself in lieu
21 of IDENTIFYING it. If any such DOCUMENT exists, but is no longer in YOUR possession or
22 subject to YOUR control, state what disposition was made of it and its present location and custodian.
23 If any such DOCUMENT once existed but no longer exists, state what disposition was made of it,
24 when such disposition took place, and list each PERSON who has knowledge of such disposition.

25 8. "IDENTIFY" with reference to a COMMUNICATION means to state: the identity of
26 each PERSON who made each COMMUNICATION; the identity of each PERSON to whom each
27 COMMUNICATION was made; the identity of each PERSON who was present during each
28 COMMUNICATION or who received a copy of each COMMUNICATION; and a complete

1 description of the substance and content of the COMMUNICATION.

2 9. "PERSON" or "PERSONS" means any natural person, corporation, cooperative,
3 partnership, joint venture, firm, association, proprietorship, agency, board, authority, commission or
4 other entity.

5 10. "RELATED TO", "RELATE TO" and "RELATING TO" shall include, without
6 limitation, constituting, contemplating, covering, criticizing, communicating, detailing, evaluating,
7 demonstrating, respecting, regarding, concerning, pertaining to, referring to, stating, establishing,
8 showing, describing, recording, noting, embodying, memorializing, containing, mentioning, studying,
9 analyzing or discussing.

10 11. "STATE" means to set forth fully and unambiguously every fact relevant to the answer
11 called for by the Interrogatory, of which YOU have knowledge.

12 12. "YOU," "YOUR" and "YOURS" refer herein to plaintiff Dennis Montgomery, plaintiff
13 The Montgomery Family Trust, Brenda Montgomery, and anyone acting or authorized to act on behalf
14 of any and all of them – including any representatives, employees, agents, servants, or attorneys and
15 others who are in possession or may have obtained information for you or on your behalf.

16 **REQUESTS FOR PRODUCTION**

17 **Request for Production No. 1:** All DOCUMENTS that RELATE TO any of YOUR
18 responses to the Interrogatories served herewith.

19 **Request for Production No. 2:** All DOCUMENTS that YOU reviewed or to which YOU
20 referred in preparing YOUR Responses to the Interrogatories served herewith.

21 **Request for Production No. 3:** All DOCUMENTS that contain some or all of the full text of
22 each of the COPYRIGHTS.

23 **Request for Production No. 4:** All DOCUMENTS that contain some or all of any material,
24 included in and/or protected by the COPYRIGHTS, that YOU contend Defendants have, either
25 collectively or individually, infringed.

26 **Request for Production No. 5:** All DOCUMENTS that RELATE TO YOUR contention that
27 YOU own the COPYRIGHTS.

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5441 Kietzke Lane, Second Floor
Reno, Nevada 89511

Request for Production No. 6: All DOCUMENTS that contain some or all of the full text of each work that YOU contend is a 'derivative work' of the COPYRIGHTS.

Request for Production No. 7: All DOCUMENTS that RELATE TO the registration(s) of each work that YOU contend is a 'derivative work' of the COPYRIGHTS.

Request for Production No. 8: All DOCUMENTS that RELATE TO YOUR contention that Defendants, either collectively or individually, have infringed upon any of the COPYRIGHTS.

Request for Production No. 9: All DOCUMENTS that RELATE TO YOUR contention that Defendants, either collectively or individually, have infringed upon any work that YOU contend is a 'derivative work' of the COPYRIGHTS.

Request for Production No. 10: All DOCUMENTS that RELATE TO any health insurance for YOU from 1998 through 2005 (this includes, but is not limited to: all invoices, enrollment forms, insurance cards, and evidence of payment of any premiums).

Request for Production No. 11: All DOCUMENTS that RELATE TO personal income tax returns filed by YOU from 1998 through 2005.

Request for Production No. 12: All DOCUMENTS that RELATE TO any payment of money by Defendants, either collectively or individually, to YOU (including, but not limited to: pay stubs, expense vouchers, I.R.S. Form 1099s, and I.R.S. Form W-2s).

Request for Production No. 13: All DOCUMENTS that RELATE TO any loan made to YOU by Warren Trepp or by any entity controlled by Mr. Trepp (including, but not limited to: promissory notes or similar instruments, copies of checks, bank statements showing the deposit of loan proceeds, receipts, and each DOCUMENT that RELATES TO any such loan).

Request for Production No. 14: All DOCUMENTS that RELATE TO repayment of any loan made to YOU by Warren Trepp or by any entity controlled by Mr. Trepp (including, but not limited to: cancelled checks, receipts, or bank statements).

Request for Production No. 15: All DOCUMENTS that RELATE TO any discussion in which YOU informed any officer or agent of eTreppid of YOUR contention that YOU owned an interest in any technology being developed by eTreppid (this does not include any ownership interest arising solely from YOUR ownership interest as a member of eTreppid).

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1 **Request for Production No. 16:** All DOCUMENTS that RELATE TO eTreppid's
2 technology, products, and/or research and development efforts (including, but not limited to: any and
3 all marketing documents, business plans, PowerPoint presentations, white papers, correspondence,
4 and/or notes of meetings with customers or potential customers).

5 **Request for Production No. 17:** All DOCUMENTS that RELATE TO any transaction
6 through which YOU transferred any ownership interest (or portion thereof) in eTreppid to any third
7 party.

8 **Request for Production No. 18:** All DOCUMENTS that contain any source code, written by
9 YOU or under YOUR direction, that RELATES TO the fields of data compression, pattern
10 recognition, object tracking or anomaly detection (including, but not limited to: all or any part of a
11 software program or algorithm).

12 **Request for Production No. 19:** All DOCUMENTS that RELATE TO any research and
13 development efforts made, by YOU or by anyone working under YOUR direction, in the fields of data
14 compression, object tracking, pattern recognition, or anomaly detection (including, but not limited to:
15 any and all notes, diagrams, laboratory materials, or source code).

16 **Request for Production No. 20:** Executable versions of any and all software, developed by
17 YOU or by anyone working under YOUR direction, which RELATES TO the fields of data
18 compression, object tracking, pattern recognition, or anomaly detection.

19 **Request for Production No. 21:** All DOCUMENTS (including, but not limited to: notes,
20 letters, electronic correspondence, calendar entries, phone messages, or any type of memorandum),
21 which RELATES TO any COMMUNICATION from 1998 to present, by or between YOU and any
22 other person or entity, which RELATES TO the development of software or other technology in the
23 fields of data compression, object tracking, pattern recognition, or anomaly detection.

24 **Request for Production No. 22:** All DOCUMENTS that RELATE TO the software that
25 YOU transferred to eTreppid under the terms of the September 28, 1998 Contribution Agreement
26 (including, but not limited to: all source code – whether in printed or electronic form – executable
27 files, shop notes, laboratory notes, and any other memoranda).
28

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Request for Production No. 23: All DOCUMENTS that RELATE TO the formation and/or creation of The Montgomery Family Trust.

Request for Production No. 24: All DOCUMENTS that RELATE TO YOUR relationship (business or otherwise) with an entity known as Computermate, Inc.

Request for Production No. 25: All DOCUMENTS that RELATE TO YOUR relationship (business or otherwise) with an entity known as Barrett Laboratories, Inc.

Request for Production No. 26: All DOCUMENTS that RELATE TO YOUR relationship (business or otherwise) with an entity known as 3Net Systems, Inc.

Request for Production No. 27: All DOCUMENTS that RELATE TO YOUR relationship (business or otherwise) with an entity known as Alternative Technology Resources, Inc.

Request for Production No. 28: All DOCUMENTS that RELATE TO YOUR relationship (business or otherwise) with an entity known as National Healthcare Exchange Services, Inc.

Request for Production No. 29: All DOCUMENTS that RELATE TO any attempt (either successful or unsuccessful) by YOU to sell, license, distribute or otherwise exchange for value any interest in the COPYRIGHTS, from 1980 to present.

Request for Production No. 30: All DOCUMENTS that RELATE TO any attempt (either successful or unsuccessful) by YOU to sell, license, distribute or otherwise exchange for value any interest in software or other technology in the fields of data compression, object tracking, pattern recognition, or anomaly detection, from January 18, 2006 to present.

Request for Production No. 31: All DOCUMENTS that RELATE TO any attempt (either successful or unsuccessful) by YOU to sell, license, distribute or otherwise exchange for value any interest in software or other technology in the fields of data compression, object tracking, pattern recognition, or anomaly detection, from February 8, 2006 to present.

Request for Production No. 32: All DOCUMENTS under YOUR control which RELATE TO Michael Sandoval, who resides in or near Portland, Oregon, which date from January 18, 2006 to present.

1 **Request for Production No. 33:** All DOCUMENTS that RELATE TO any attempt (either
2 successful or unsuccessful) by YOU and in conjunction with Michael Sandoval (who resides in or near
3 Portland, Oregon) to sell, license, distribute or otherwise exchange for value any interest in software or
4 other technology in the fields of data compression, object tracking, pattern recognition, or anomaly
5 detection, from January 18, 2006 to present.

6 Dated: July 25, 2006.

7
8 
9 J. Stephen Peek, Esq.

10 Nevada Bar Number 1758

11 Jerry M. Snyder, Esq.

12 Nevada Bar Number 6830

13 Hale Lane Peek Dennison and Howard

14 5441 Kietzke Lane, Second Floor

15 Reno, Nevada 89511

16 Telephone: (775) 327-3000

17 Facsimile: (775) 786-6179

18 Attorneys for Defendants eTreppid Technologies,
19 L.L.C. and Warren Trepp

Hale Lane Peek Dennison and Howard
5441 Kietzke Lane, Second Floor
Reno, Nevada 89511

PROOF OF SERVICE

I, Gaylene Silva, declare:

I am employed in the **City of Reno, County of Washoe, State of Nevada**, by the law offices of Hale Lane Peek Dennison and Howard. My business address is: **5441 Kietzke Lane, Second Floor, Reno, Nevada 89511**. I am over the age of 18 years and not a party to this action

HAND DELIVERY ONLY I am readily familiar with Hale Lane Peek Dennison and Howard's practice for collection and delivery of its hand-deliveries. Such practice in the ordinary course of business provides for the delivery of all hand-deliveries on the same day requested.

On July 25, 2006, I caused the foregoing **FIRST SET OF REQUESTS BY DEFENDANT ETREPPID TECHNOLOGIES, LLC FOR PRODUCTION OF DOCUMENTS BY PLAINTIFFS DENNIS MONTGOMERY AND THE MONTGOMERY FAMILY TRUST** to be hand-delivered by providing a true and correct copy to Hale Lane Peek Dennison and Howard's runners with instructions to hand-deliver the same to:

Fax No. 786-5044

Ronald J. Logar, Esq.

Eric A. Pulver, Esq.

The Law Offices of Logar & Pulver

225 S. Arlington Avenue, Suite A

Reno, NV 89501

MAIL ONLY I am readily familiar with Hale Lane Peek Dennison and Howard's practice for collection and processing of its outgoing mail with the United States Postal Service. Such practice in the ordinary course of business provides for the deposit of all outgoing mail with the United States Postal Service on the same day it is collected and processed for mailing.

On July 25, 2006, I served the foregoing **FIRST SET OF REQUESTS BY DEFENDANT ETREPPID TECHNOLOGIES, LLC FOR PRODUCTION OF DOCUMENTS BY PLAINTIFFS DENNIS MONTGOMERY AND THE MONTGOMERY FAMILY TRUST** by placing a true copy thereof in Hale Lane Peek Dennison and Howard's outgoing mail in a sealed envelope, addressed as follows:

Fax No. 202/616-8470

Carlotta P. Wells

Senior Trial Counsel

Federal Programs Branch

Civil Division – Room 7150

U.S. Department of Justice

20 Massachusetts Ave., NW

P.O. Box 883

Washington, DC 20044

Fax No. 888-235-4279

Michael J. Flynn, Esq.

Philip H. Stillman, Esq.

Flynn & Stillman

224 Bermingham Dr., Ste. 1A4

Cardiff, CA 92007

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed on July 25, 2006.

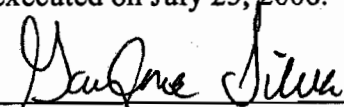

Gaylene Silva

EXHIBIT “B”

EXHIBIT “B”

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FLYNN & STILLMAN
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(Application for Admission Pro Hac Vice)

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF NEVADA**

DENNIS MONTGOMERY et al.,

Plaintiffs,

vs.

ETREPPID TECHNOLOGIES, LLC et al.,

Defendants.

Case No. CV-N-06-0056-BES-VPC

**PLAINTIFF DENNIS MONTGOMERY AND
MONTGOMERY FAMILY TRUST'S
RESPONSES TO ETREPPID
TECHNOLOGY LLC'S REQUESTS FOR
PRODUCTION OF DOCUMENTS:**

PRELIMINARY STATEMENT

By this response, Dennis Montgomery and the Montgomery Family Trust (hereinafter collectively referred to as "Plaintiff") do not intend to waive, and do not waive, any objection at trial to admitting into evidence all or a part of these responses, or the documents in connection with it. Rather, Plaintiff intends to preserve, and does preserve, all objections to admitting into evidence all or a part of these responses, or the documents in connection with it, including, without limitation, objections based on relevance, foundation, authenticity, or privilege, as well as any and all objections.

1 These responses are based on the preliminary information currently known to Plaintiff and
2 such information that is within his possession, custody, or control. Discovery is preliminary and
3 ongoing, and he has not been able to complete discovery of defendant, its agents, and employees.
4 Plaintiff incorporates this preliminary statement as well as the following general objections into each
5 of his specific responses to the individual Responses to the Requests for Production of Documents.

6 GENERAL OBJECTIONS

7 Plaintiff incorporates the following General Objections into each of his specific responses to
8 the individual Responses to the Requests for Production of Documents.

9 1. Plaintiff objects to any Requests for Production of Documents to the extent it seeks
10 irrelevant information on the ground that discovery of such matter is not authorized by the Federal
11 Rules of Civil Procedure or Local Rules.

12 2. Plaintiff objects to any Requests for Production of Documents to the extent it seeks
13 information or documents protected from disclosure by the attorney-client privilege, or the attorney
14 work-product doctrine. This objection is made on the ground that there is no right to discover
15 privileged documents or information.

16 3. Plaintiff objects to any Requests for Production of Documents to the extent it purports
17 to impose obligations upon him and his agents beyond those provided for in the Federal Rules of
18 Civil Procedure, Local Rules, and other applicable law. This objection is made on the ground that
19 discovery of such matter is not authorized by the Federal Rules of Civil Procedure or Local Rules.

20 4. Plaintiff objects to any Requests for Production of Documents to the extent it requests
21 private, confidential, proprietary, copyrighted, or trade secret information protected from disclosure
22 by state or federal law, including, but not limited to, the state and federal constitutional rights to
23 privacy, copyrights, trade secrets, as well as other applicable statutory or common-law privacy
24 rights. This objection is made on the ground that there is no right to discover privileged documents
25 or information.

26 5. Plaintiff objects to any Requests for Production of Documents to the extent it purports
27 to require information that is protected by privacy rights. This objection is made on the ground that
28 there is no right to discover privileged documents or information.

1 6. Plaintiff generally objects to this set of Requests for Production of Documents because
2 the term "Software" is overly broad and ambiguous.

3 7. Plaintiff generally objects to this set of Requests for Production of Documents because
4 the term "You," "Your," and "Yours" are overly broad and ambiguous.

5 8. For purposes of responding to these Requests for Production of Documents, the term
6 "Copyrights" refers to the individual and collective copyrights listed in the Complaint and itemized
7 in Definition No. 2 of Defendants' Requests for Production of Documents, but the term
8 "Copyrights" is used interchangeably in these responses both with regard to each individual
9 copyright and to the collective copyrights depending on the context of each response. Because the
10 case is at its preliminary stage, because Defendants have denied access to Plaintiff to all of its books
11 and records as required by law and as required by the agreements of the parties, because Defendants
12 have sole and exclusive access to all of the evidence and "documents" as defined in their
13 interrogatories which are necessary to respond to these Requests for Production of Documents, and
14 because Defendants have not produced said evidence and documents pursuant to Rule 26, and/or as
15 required by law, and/or as required by the "Operating Agreements" of Defendants, Plaintiff
16 generally objects to these Requests for Production of Documents, and Plaintiff is not able at this time
17 to respond to said Requests for Production of Documents as fully as requested. Plaintiff further
18 objects on the grounds that the Defendant Trepp initiated a false and fraudulent criminal complaint
19 against the Plaintiff which caused the FBI to conduct an illegal search and seizure of Plaintiff's
20 home resulting in the illegal taking of Plaintiff's computers and various types of electronic media
21 storage, documents and other materials, thereby preventing Plaintiff from accessing said materials
22 needed to respond to this discovery. Plaintiff will supplement these responses within a reasonable
23 time after receiving full and complete access to all of the books and records of Defendants as he is
24 entitled by law and agreements between the parties; and receiving back all of the items illegally
25 seized by the FBI.

26
27 **RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS**
28

1 Plaintiff incorporates fully into each of the following specific responses the aforementioned
2 "Preliminary Statement" and "General Objections," and more specifically incorporates "General
3 Objection No. 8."

4 No specific response shall be construed to waive any of the General Objections, including,
5 but not limited to, General Objection No. 8, or any of the Statements contained in the "Preliminary
6 Statement."

7 **Request for Production No. 1:** All DOCUMENTS that RELATE TO any of YOUR responses to
8 the Interrogatories served herewith.

9 **Response to Request for Production No. 1:**

10 Defendants infringed each of the Copyrights by lying to Plaintiff, and by defrauding Plaintiff, and by
11 breaching oral and written agreements with Plaintiff, and by violating the laws applying to
12 copyrights and trade secrets, and by attempting to steal and/or convert the algorithms and source
13 codes to the Copyrights, and/or to the derivatives of the Copyrights, and by generally engaging in
14 fraudulent, and/or tortious, and/or illegal conduct regarding the Copyrights. Defendants individually
15 and collectively, and in collusion with individuals and agencies to be identified as discovery in this
16 matter progresses, engaged in the foregoing generally described conduct, to be recited in greater
17 detail as discovery progresses and as Defendants comply with Nevada law and with the Operating
18 Agreements permitting Plaintiff access to the books and records of Defendants in connection with
19 the use of the algorithms and source codes in the Copyrights and/or derivatives of said algorithms
20 and source codes originating in the Copyrights on certain specified Government contracts now
21 exclusively in the possession, custody and control of Defendants, including all "Documents" as
22 defined by Defendants. Without said access to the books and records, and said "Documents" of
23 Defendants to which Plaintiff is absolutely entitled, Plaintiff cannot at this time provide all
24 Documents that related to Plaintiff's responses to the interrogatories served herewith other than with
25 the following general statement:

26 Defendants and Plaintiff agreed on or about September 28, 1998 and continuing to at least
27 September 30, 2005 that Plaintiff exclusively owned and possessed "Software" he had developed
28 over a period of approximately 20 years prior to September 1998 in connection with his career as a

1 software designer and developer, which included the design and development of "Software" having
2 multiple and varied uses and applications; and that Plaintiff, as of that period between September 28,
3 1998 and September 30, 2005, held all of the legal and proprietary indicia of ownership and
4 possession in all of the "Software" he developed throughout his career, including but not limited to
5 the legal indicia of ownership to the algorithms and source codes contained in the "Copyrights" and
6 *all subsequent derivatives to the algorithms and source codes in said Copyrights*. On or about
7 September 28, 1998 and continuing to at least September 30, 2005, Defendants specifically agreed
8 Plaintiff also owned and possessed multiple and varied and comprehensive "Software" programs not
9 contained within the Copyrights and not conveyed to Defendants. On September 28, 1998, in the
10 context of Plaintiff's ownership of the "Copyrights," and in the context of Plaintiff's ownership and
11 possession of other multiple, varied and comprehensive "Software" programs, including ownership
12 and possession of tens of thousands of algorithms, executables and source codes, Plaintiff and
13 Defendants agreed in writing in a document called the "Contribution Agreement" that Plaintiff
14 would **ONLY** convey to a partnership/LLC to be exclusively owned and controlled by Plaintiff and
15 Defendant Trepp a specific and relatively small amount of his software described specifically in
16 writing as **"the software compression technology contained on that certain Software**
17 **Compression Engine Development Program contained on CD No. 1,"** and that no other software
18 programs, intellectual property, algorithms, or executables or source codes were being conveyed to
19 the partnership/LLC, and that the value of the software contained on said "CD No. 1" was fixed by
20 agreement to be \$1,3000,000. As of the date of the agreement, Plaintiff relied upon Trepp's written
21 and oral representations that his interest in the partnership/LLC would always be 50% of the
22 outstanding shares in said company, as reflected by the fact that Plaintiff contributed the value of his
23 software and Defendant Trepp contributed a fixed sum of money. At that time, in September of
24 1998, Plaintiff also discussed with Trepp the sale to their partnership/LLC other components of
25 Plaintiff's software programs for sums in the range of \$5,000,000, which Trepp rejected. For that
26 reason, and others, Trepp's lawyer, Douglas Frye, explicitly drafted and embodied in the
27 Contribution Agreement, the express limitation that the only software being conveyed was
28 "contained on CD No. 1," and that all other property, intellectual and otherwise, belonging to

1 Plaintiff was excluded. Defendant Trepp was obligated by said agreement to pay said sum into the
2 partnership/LLC on said date of September 28, 1998. Notwithstanding Plaintiff's repeated requests,
3 Trepp has never allowed access to Plaintiff to the books and records of the partnership/LLC to verify
4 that Trepp paid said sum on September 28, 1998.

5 Pursuant to the "Contribution Agreement," Plaintiff and Defendant Trepp also agreed Plaintiff
6 would serve as "Chief Technology Officer" in the capacity of an *independent contractor* who would
7 contract with the partnership/LLC to develop software programs involving casino surveillance based
8 on the software "contained on CD No. 1." Between September 28, 1998, and December 31, 2002,
9 Plaintiff fulfilled his obligations as an independent contractor utilizing the software programs
10 "contained on CD No. 1" in order to fulfill the casino surveillance business of the partnership/LLC.
11 Between the filing of the original Copyright registrations in the 1980's and September 28, 1998,
12 using his own computers and at his home-office and elsewhere, Plaintiff refined and created
13 derivatives to the Copyrights having multiple and varied applications. Between September 28, 1998
14 and December 31, 2002, using his own computer at his home-office, Plaintiff made further
15 refinements to the algorithms and source codes originating within the Copyrights, and on other
16 software programs Plaintiff was developing unrelated to the business of the partnership/LLC. Prior
17 to December 31, 2002 as part of his fulfillment to eTreppid and in reliance upon the representations
18 of Trepp and his lawyers, in order to protect against Defendant Trepp's secretive, deceitful and
19 manipulative operation of eTreppid, and in order to quantify and qualify the source codes contained
20 on CD No. 1, Plaintiff, as an independent contractor filed various patents relating to the software on
21 CD No. 1. In or about January to April of 2003, acting as the owner and exclusive possessor of the
22 copyrighted and derived source codes and algorithms, and while acting as an independent contractor,
23 Plaintiff informed certain agencies of the Government that he owned and possessed certain software
24 having potential military applications, particularly in connection with the terrorist threats against our
25 country. At the same time, Plaintiff again offered to sell certain components and specific source
26 codes to Defendant Trepp and to their partnership/LLC for the sum of \$5,000,000. Trepp again
27 rejected the offer. In March, 2003, Plaintiff agreed with a certain Government agency to use one
28 component of his exclusively owned software in a special Government contract, and agreed with

1 Trepp and their partnership to license said software to the partnership/LLC, (hereinafter referred to
2 as eTreppid). Plaintiff and Trepp and eTreppid agreed Plaintiff would maintain complete, exclusive
3 and absolute ownership, possession and control over the software and the algorithms and source
4 codes used in certain special Government contracts which Plaintiff worked on with his Copyrights
5 and derivatives containing his source codes and algorithms. Between March, 2003 and January 18,
6 2006, Plaintiff did, in fact, and as per agreement, maintain complete, exclusive, sole, and absolute
7 ownership, possession and control of all of his source codes and algorithms used in the special
8 Government contracts. Throughout this same period, Plaintiff did not permit any person at
9 eTreppid to even have access to said algorithms and source codes as evidenced by his inclusion of
10 "intrusion protocols" into the specific software programs owned by Plaintiff. These "intrusion
11 protocols" were designed to prevent any person, other than Plaintiff, gaining access to the subject
12 programs. IN FACT, NONE OF PLAINTIFF'S EXCLUSIVELY OWNED "SOURCE CODES"
13 USED IN THE SPECIAL GOVERNMENT CONTRACTS WERE EVER ON THE PREMISES OF
14 ETREPPID. Throughout this same period, by his conduct, by repeated statements and
15 representations, and in other forms, Trepp agreed to Plaintiff's conditions of exclusive control,
16 possession and ownership of the subject source codes and algorithms.

17 In order to carry out his scheme to defraud Plaintiff and to steal Plaintiff's algorithms and source
18 codes in Plaintiff's Copyrights and derivatives, between approximately March 2003 and September
19 2005, Defendant Trepp repeatedly employed a variety of false and fraudulent statements,
20 representations, artifices and devices intentionally designed to infringe upon the copyrights and
21 intentionally designed to deceive Plaintiff, and to lull him into the belief and acceptance of
22 Defendant Trepp's promises and representations. The false and fraudulent statements were designed
23 to induce Plaintiff to license and/or sell the copyrighted source codes and derivatives to eTreppid
24 and to the Government. The false statements and fraudulent representations are included but not
25 limited to the following statements expressed as general statements containing the general meaning
26 of the expressions used by Defendant Trepp, i.e., "words to the effect of" unless otherwise quoted:
27 (1) eTreppid will "license your software" and "pay a license fee equal to at least 50% to 75% of the
28 gross amount received from the Government" depending on which contract the parties were

1 discussing, "until we have the Government sucked in and they can't do without it" and then we will
2 "close in for the kill" and "sell it for hundreds of millions." Trepp also repeatedly stated that
3 eTreppid will have to calculate its costs and expenses in connection with each contract and if those
4 expenses and costs are below certain ranges in connection with certain specified contracts, Plaintiff's
5 share above 50% to 75% of the gross amount received would increase proportionately "until a final
6 deal is made." In connection with these types of repeated promises, upon information and belief,
7 Trepp repeatedly lied about when he was receiving Government checks on certain contracts, how
8 much he was receiving, what the expenses were, what amounts and expenses were allocated to
9 specific contracts, how eTreppid and the Government were doing the accounting, and what other
10 expenses and costs eTreppid was incurring that were unrelated to the contracts but to other business
11 of eTreppid and that "adversely impacted Plaintiff's membership profits in eTreppid" that had to be
12 "accounted for before a "final payment" or "a final deal" could be made. Plaintiff will require
13 access to all of the books and records of Trepp and eTreppid before providing a more detailed
14 response with respect to exactly how on the books and records of eTreppid Trepp accounted for
15 Plaintiff's contributions, licensing fees, expenses, etc. Notwithstanding Trepp's continued
16 representations relied upon by Defendant, the books and records were never made available to him
17 based on a multitude of excuses proffered by Trepp; (2) Trepp also stated that "once we have the
18 Government hooked," eTreppid and Trepp will negotiate a "deal" with the Government to sell parts
19 of "your technology" to the Government for "Five Hundred Million Dollars" and we will "get a
20 billion dollar bond to back up the deal." Trepp repeatedly stated Plaintiff's share will be "at least
21 50% of the gross" "but anything over that will require calculating your interest in eTreppid." Trepp
22 repeatedly promised to "sit down" with Plaintiff and the "bookkeeper" and "the accountant" and get
23 "everything worked out before the "final sale," and "to catch up on the numbers." Prior to
24 September of 2005, Trepp repeatedly said "to just keep processing" the "output" the Government
25 needed in the "war on terror," mostly in connection with Plaintiff's "intercepts" of al Qaeda
26 communications, and "it was a problem of timing," so "just keep processing until we get the deal
27 done." During much of the "processing" period, Plaintiff was working 12 - 18-hour days, and had
28 little time, energy or opportunity to deal with the business aspects of eTreppid. He relied upon the

1 good faith and explicit representations of Trepp as his partner. In September - October of 2005,
2 Trepp advised Plaintiff to stop all work on a certain Government contract so that he could "force
3 them to buy it for Five Hundred Million," and that he needed Plaintiff to bring the "source codes to
4 eTreppid" to put them in escrow." Trepp also said he was in the middle of doing the final
5 calculations on how much Plaintiff was owed, and that he had to calculate if Plaintiff had been
6 diluted in his ownership interest in eTreppid because of the investments of others, including Milken,
7 and the "deals" Trepp had "engineered" with others, including Wayne Prim, and that depending on
8 Plaintiff's dilution, it might affect the "final payment amount" relating to the sale of the technology.
9 Plaintiff informed Trepp that he thought that there were "serious national security concerns"
10 involving the safety of potentially millions of Americans if he stopped "processing," that he no
11 longer trusted Trepp, that Trepp had never paid him his license fees, that there had never been any
12 legitimate dilution, that he was owed millions of dollars, that he wanted immediate access to the
13 books and records, and that he would never bring the source codes to eTreppid and would never
14 allow anyone at eTreppid to have access to his source codes. At first, Trepp promised to make
15 "everything right" as soon as the "deal was done." But when Plaintiff questioned Trepp about the
16 involvement of Michael Milken in eTreppid and how much he was owed, and the payoffs to
17 Congressman James Gibbons, and the involvement of Ronald Bath, an Air Force General and
18 "consultant" to Trepp, and how much Bath was owed, and how Trepp could claim Plaintiff had been
19 diluted when he was owed millions of dollars, Trepp became extremely hostile and threatened to
20 "bury" Plaintiff by using his "political muscle" with Gibbons and Bath. Trepp also reminded
21 Plaintiff that he was a lifelong friend of "Richie Bonanno" and that they were "not people to fuck
22 with." Having observed some of Trepp's fraudulent practices including the payment of
23 approximately \$100,000 to Gibbons on a cruise ship in addition to the payment of an additional
24 \$100,000 to Gibbons in \$10,000 increments through various entities belonging to Trepp, and having
25 watched Trepp give Gibbons thousands of dollars when they were gambling together, and having
26 listened to Trepp recite how he had lied, defrauded, and manipulated the securities industry and
27 falsified evidence in various SEC investigations (mostly when Trepp was heavily intoxicated),
28

1 Plaintiff became concerned for his life and the security of his property, including, but not limited to,
2 the source codes and algorithms used in certain special Government contracts.

3 When Defendants were unable to steal Plaintiff's source codes and algorithms while Plaintiff was
4 working as an independent contractor at eTreppid, after his departure, Defendants in collusion with
5 certain individuals within the Government sought to steal them by other illegal means, including an
6 illegal search and seizure of Plaintiff's home and storage facility. As a result of said illegal search
7 and seizure, Plaintiff is unable to access his computers and other materials necessary to answer this
8 interrogatory more fully at this time. Plaintiff incorporates herein General Objection no. 8.

9 Notwithstanding the foregoing, Plaintiff will produce the following: Public records relating to
10 Trepp's campaign contributions to Gibbons; a newspaper article about Trepp; public records relating
11 to Trepp's case with the Securities Exchange Commission; copies of records from the Copyright office
12 relating to Plaintiff's Copyrights.

13
14
15 **Request for Production No. 2:** All DOCUMENTS that YOU reviewed or to which YOU referred
16 in preparing YOUR Responses to the Interrogatories served herewith.

17 **Response to Request for Production No. 2:**

18 See RESPONSE to No. 1, which Plaintiff incorporates herein. Plaintiff will supplement this
19 response as necessary in the detail requested when he has access to all of the books and records of
20 eTreppid.

21 **Request for Production No. 3:** All DOCUMENTS that contain some or all of the full text of each
22 of the COPYRIGHTS.

23 **Response to Request for Production No. 3:**

24 See RESPONSE to No. 1, which Plaintiff incorporates herein. Until Plaintiff obtains access to all of
25 the books and records of eTreppid, he cannot provide further details at this time. Nevertheless,
26 Plaintiff will provide eTreppid with copies of the certified copies of the deposits made with the
27 United States Copyright Office when registering the Copyrights.

1 **Request for Production No. 4:** All DOCUMENTS that contain some or all of any material,
2 included in and/or protected by the COPYRIGHTS, that YOU contend Defendants have, either
3 collectively or individually, infringed.

4 **Response to Request for Production No. 4:**

5 See RESPONSE to No. 1, which Plaintiff incorporates herein. Until Plaintiff obtains access to all of
6 the books and records of eTreppid, he cannot provide further details at this time. Nevertheless,
7 Plaintiff will provide eTreppid with copies of the certified copies of the deposits made with the
8 United States Copyright Office when registering the Copyrights.

9
10 **Request for Production No. 5:** All DOCUMENTS that RELATE TO YOUR contention that YOU
11 own the COPYRIGHTS.

12 **Response to Request for Production No. 5:**

13 See RESPONSE to No. 1, which Plaintiff incorporates herein. Until Plaintiff obtains access to all of
14 the books and records of eTreppid, he cannot provide further details at this time. Nevertheless,
15 Plaintiff will provide eTreppid with copies of the certified copies of the deposits made with the
16 United States Copyright Office when registering the Copyrights.

17
18 **Request for Production No. 6:** All DOCUMENTS that contain some or all of the full text of each
19 work that YOU contend is a 'derivative work' of the COPYRIGHTS.

20 **Response to Request for Production No. 6:**

21 See RESPONSE to No. 1, which Plaintiff incorporates herein. Until Plaintiff obtains access to all of
22 the books and records of eTreppid, he cannot provide further details at this time. Nevertheless,
23 Plaintiff will provide eTreppid with copies of the certified copies of the deposits made with the
24 United States Copyright Office when registering the Copyrights.

25
26 **Request for Production No. 7:** All DOCUMENTS that RELATE TO the registration(s) of each work
27 that YOU contend is a 'derivative work' of the COPYRIGHTS.

28 **Response to Request for Production No. 7:**

1 See RESPONSE to No. 1, which Plaintiff incorporates herein. Until Plaintiff obtains access to all of
2 the books and records of eTreppid, he cannot provide further details at this time. Nevertheless,
3 Plaintiff will provide eTreppid with copies of the certified copies of the deposits made with the
4 United States Copyright Office when registering the Copyrights.

5
6 **Request for Production No. 8:** All DOCUMENTS that RELATE TO YOUR contention that
7 Defendants, either collectively or individually, have infringed upon any of the COPYRIGHTS.

8 **Response to Request for Production No. 8:**

9 See RESPONSE to No. 1, which Plaintiff incorporates herein. Until Plaintiff obtains access to all of
10 the books and records of eTreppid, he cannot provide further details at this time. Nevertheless,
11 Plaintiff will provide eTreppid with copies of the certified copies of the deposits made with the
12 United States Copyright Office when registering the Copyrights.

13
14 **Request for Production No. 9:** All DOCUMENTS that RELATE TO YOUR contention that
15 Defendants, either collectively or individually, have infringed upon any work that YOU contend is a
16 'derivative work' of the COPYRIGHTS.

17 **Response to Request for Production No. 9:**

18 See RESPONSE to No. 1, which Plaintiff incorporates herein. Until Plaintiff obtains access to all of
19 the books and records of eTreppid, he cannot provide further details at this time. Nevertheless,
20 Plaintiff will provide eTreppid with copies of the certified copies of the deposits made with the
21 United States Copyright Office when registering the Copyrights.

22
23 **Request for Production No. 10:** All DOCUMENTS that RELATE TO any health insurance for
24 YOU from 1998 through 2005 (this includes, but is not limited to: all invoices, enrollment forms,
25 insurance cards, and evidence of payment of any premiums).

26 **Response to Request for Production No. 10:**

27 See RESPONSE to No. 1, which Plaintiff incorporates herein. Until Plaintiff obtains access to all of
28 the books and records of eTreppid, he cannot provide further details at this time.

1
2 **Request for Production No. 11:** All DOCUMENTS that RELATE TO personal income tax returns
3 filed by YOU from 1998 through 2005.

4 **Response to Request for Production No. 11:**

5 See RESPONSE to No. 1, which Plaintiff incorporates herein. Until Plaintiff obtains access to all of
6 the books and records of eTreppid, he cannot provide further details at this time. Plaintiff objects to
7 this request for tax returns on privacy grounds.

8
9 **Request for Production No. 12:** All DOCUMENTS that RELATE TO any payment of money by
10 Defendants, either collectively or individually, to YOU (including, but not limited to: pay stubs,
11 expense vouchers, I.R.S. Form 1099s, and I.R.S. Form W-2s).

12 **Response to Request for Production No. 12:**

13 See RESPONSE to No. 1, which Plaintiff incorporates herein. Until Plaintiff obtains access to all of
14 the books and records of eTreppid, he cannot provide further details at this time. Plaintiff objects to
15 this request for tax returns information on privacy grounds.

16
17 **Request for Production No. 13:** All DOCUMENTS that RELATE TO any loan made to YOU by
18 Warren Trepp or by any entity controlled by Mr. Trepp (including, but not limited to: promissory
19 notes or similar instruments, copies of checks, bank statements showing the deposit of loan
20 proceeds, receipts, and each DOCUMENT that RELATES TO any such loan).

21 **Response to Request for Production No. 13:**

22 See RESPONSE to No. 1, which Plaintiff incorporates herein. Until Plaintiff obtains access to all of
23 the books and records of eTreppid, he cannot provide further details at this time. Plaintiff further
24 states that the use of the term "loan" is misleading and inaccurate. Trepp's so-called "loan"
25 transactions are evidence of Trepp's fraudulent operating practices within eTreppid. Plaintiff refers
26 Defendants to the copies of the cancelled check(s) in evidence in the preliminary injunction hearing.

1 **Request for Production No. 14:** All DOCUMENTS that RELATE TO repayment of any loan
2 made to YOU by Warren Trepp or by any entity controlled by Mr. Trepp (including, but not limited
3 to: cancelled checks, receipts, or bank statements).

4 **Response to Request for Production No. 14:**

5 See RESPONSE to No. 1, which Plaintiff incorporates herein. Until Plaintiff obtains access to all of
6 the books and records of eTreppid, he cannot provide further details at this time. See responses to
7 numbers 1 and 13 incorporated herein.

8
9 **Request for Production No. 15:** All DOCUMENTS that RELATE TO any discussion in which
10 YOU informed any officer or agent of eTreppid of YOUR contention that YOU owned an interest in
11 any technology being developed by eTreppid (this does not include any ownership interest arising
12 solely from YOUR ownership interest as a member of eTreppid).

13 **Response to Request for Production No. 15:**

14 See RESPONSE to No. 1, which Plaintiff incorporates herein. Until Plaintiff obtains access to all of
15 the books and records of eTreppid, he cannot provide further details at this time. Plaintiff also
16 believes he may have evidence relating to Trepp's computer related statements and transactions; but
17 until he receives back from the FBI his computers and other materials illegally seized by the FBI,
18 which seizure was based on Trepp's false and fraudulent representations to the FBI, he cannot
19 produce said evidence at this time.

20
21 **Request for Production No. 16:** All DOCUMENTS that RELATE TO eTreppid's technology,
22 products, and/or research and development efforts (including, but not limited to: any and all
23 marketing documents, business plans, PowerPoint presentations, white papers, correspondence,
24 and/or notes of meetings with customers or potential customers).

25 **Response to Request for Production No. 16:**

26 See RESPONSE to No. 1, which Plaintiff incorporates herein. Until Plaintiff obtains access to all of
27 the books and records of eTreppid, he cannot provide further details at this time. See responses to
28 numbers 1 and 15 which Plaintiff incorporates herein.

1
2 **Request for Production No. 17:** All DOCUMENTS that RELATE TO any transaction through
3 which YOU transferred any ownership interest (or portion thereof) in eTreppid to any third party.

4 **Response to Request for Production No. 17:**

5 See RESPONSE to No. 1, which Plaintiff incorporates herein. Until Plaintiff obtains access to all of
6 the books and records of eTreppid, he cannot provide further details at this time. Plaintiff
7 incorporates his response to number 13 herein.

8
9 **Request for Production No. 18:** All DOCUMENTS that contain any source code, written by YOU
10 or under YOUR direction, that RELATES TO the fields of data compression, pattern recognition,
11 object tracking or anomaly detection (including, but not limited to: all or any part of a software
12 program or algorithm).

13 **Response to Request for Production No. 18:**

14 See RESPONSE to No. 1, which Plaintiff incorporates herein. Until Plaintiff obtains access to all of
15 the books and records of eTreppid, he cannot provide further details at this time. Plaintiff further
16 objects on the grounds of privacy, relevancy, trade secrets, and incorporates his responses to
17 numbers 1, 13, and 15 herein.

18 **Request for Production No. 19:** All DOCUMENTS that RELATE TO any research and
19 development efforts made, by YOU or by anyone working under YOUR direction, in the fields of
20 data compression, object tracking, pattern recognition, or anomaly detection (including, but not
21 limited to: any and all notes, diagrams, laboratory materials, or source code).

22 **Response to Request for Production No. 19:**

23 See RESPONSE to No. 1, which Plaintiff incorporates herein. Until Plaintiff obtains access to all of
24 the books and records of eTreppid, he cannot provide further details at this time. See response to
25 number 18 which Plaintiff incorporates herein.

26 **Request for Production No. 20:** Executable versions of any and all software, developed by YOU
27 or by anyone working under YOUR direction, which RELATES TO the fields of data compression,
28 object tracking, pattern recognition, or anomaly detection.

1 **Response to Request for Production No. 20:**

2 See RESPONSE to No. 1, which Plaintiff incorporates herein. Until Plaintiff obtains access to all of
3 the books and records of eTreppid, he cannot provide further details at this time. Plaintiff
4 incorporates herein his responses to numbers 1,13, 15 and 18.

5
6 **Request for Production No. 21:** All DOCUMENTS (including, but not limited to: notes, letters,
7 electronic correspondence, calendar entries, phone messages, or any type of memorandum), which
8 RELATES TO any COMMUNICATION from 1998 to present, by or between YOU and any other person or
9 entity, which RELATES TO the development of software or other technology in the fields of data
10 compression, object tracking, pattern recognition, or anomaly detection.

11 **Response to Request for Production No. 21:**

12 See RESPONSE to No. 1, which Plaintiff incorporates herein. Until Plaintiff obtains access to all of
13 the books and records of eTreppid, he cannot provide further details at this time. Plaintiff
14 incorporates herein his response to numbers 1,13, 15 and 18.

15
16 **Request for Production No. 22:** All DOCUMENTS that RELATE TO the software that YOU
17 transferred to eTreppid under the terms of the September 28, 1998 Contribution Agreement
18 (including, but not limited to: all source code – whether in printed or electronic form – executable
19 files, shop notes, laboratory notes, and any other memoranda).

20 **Response to Request for Production No. 22:**

21 See RESPONSE to No. 1, which Plaintiff incorporates herein. Until Plaintiff obtains access to all of
22 the books and records of eTreppid, he cannot provide further details at this time. Plaintiff
23 incorporates herein his response to numbers 1, 13, 15 and 18.

24
25 **Request for Production No. 23:** All DOCUMENTS that RELATE TO the formation and/or
26 creation of The Montgomery Family Trust.

27 **Response to Request for Production No. 23:**
28

1 See RESPONSE to No. 1, 13, 15 and 18, which Plaintiff incorporates herein. Defendants are in
2 possession of the Montgomery Family Trust document.

3
4 **Request for Production No. 24:** All DOCUMENTS that RELATE TO YOUR relationship
5 (business or otherwise) with an entity known as Computermate, Inc.

6 **Response to Request for Production No. 24:**

7 See RESPONSE to No. 1, 13, 15, and 18 which Plaintiff incorporates herein. Plaintiff further
8 objects on the grounds that Defendants' present counsel represented Plaintiff from 1990 to
9 approximately 1997 in connection with documents and matters relating to Computermate, Barrett
10 Laboratories, 3Net Systems, Alternative Technologies, National Healthcare Services. Said counsel
11 has possession, custody and control of documents relating to said representation including
12 possession and control over numerous confidential communications between Plaintiff and said
13 counsel. Plaintiff will not produce any discovery relating to these companies until he has received a
14 full inventory of all of his "Documents", as defined herein, from said counsel; and he has had the
15 opportunity to disqualify said counsel, and any other lawyers or individuals who have had access to
16 his confidential "Documents" as defined herein.

17
18 **Request for Production No. 25:** All DOCUMENTS that RELATE TO YOUR relationship
19 (business or otherwise) with an entity known as Barrett Laboratories, Inc.

20 **Response to Request for Production No. 25:**

21 See RESPONSE to No. 1, 13, 15 and 18, and 24 which Plaintiff incorporates herein.

22
23 **Request for Production No. 26:** All DOCUMENTS that RELATE TO YOUR relationship
24 (business or otherwise) with an entity known as 3Net Systems, Inc.

25 **Response to Request for Production No. 26:**

26 See RESPONSE to No. 1, 13, 15, 18 and 24 which Plaintiff incorporates herein.
27
28

1 **Request for Production No. 27:** All DOCUMENTS that RELATE TO YOUR relationship
2 (business or otherwise) with an entity known as Alternative Technology Resources, Inc.

3 **Response to Request for Production No. 27:**

4 See RESPONSE to No. 1, 13, 15, 18 and 24 which Plaintiff incorporates herein.
5

6 **Request for Production No. 28:** All DOCUMENTS that RELATE TO YOUR relationship
7 (business or otherwise) with an entity known as National Healthcare Exchange Services, Inc.

8 **Response to Request for Production No. 28:**

9 See RESPONSE to No. 1, 13, 15, 18 and 24 which Plaintiff incorporates herein.
10

11 **Request for Production No. 29:** All DOCUMENTS that RELATE TO any attempt (either
12 successful or unsuccessful) by YOU to sell, license, distribute or otherwise exchange for value any
13 interest in the COPYRIGHTS, from 1980 to present.

14 **Response to Request for Production No. 29:**

15 See RESPONSE to No. 1, 13, 15, 18 and 24 which Plaintiff incorporates herein.
16

17 **Request for Production No. 30:** All DOCUMENTS that RELATE TO any attempt (either
18 successful or unsuccessful) by YOU to sell, license, distribute or otherwise exchange for value any
19 interest in software or other technology in the fields of data compression, object tracking, pattern
20 recognition, or anomaly detection, from January 18, 2006 to present.

21 **Response to Request for Production No. 30:**

22 See RESPONSE to No. 1, 13, 15, 18 and 24 which Plaintiff incorporates herein.
23

24 **Request for Production No. 31:** All DOCUMENTS that RELATE TO any attempt (either
25 successful or unsuccessful) by YOU to sell, license, distribute or otherwise exchange for value any
26 interest in software or other technology in the fields of data compression, object tracking, pattern
27 recognition, or anomaly detection, from February 8, 2006 to present.

28 **Response to Request for Production No. 31:**

1 See RESPONSE to No. 1, 13, 15, 18 and 24, which Plaintiff incorporates herein. Plaintiff further
2 objects on the grounds that this request is broad, vague, ambiguous and misleading in the context of
3 the preliminary injunction and Plaintiff's right to "work" as a software designer and programmer.
4 Plaintiff has a motion to vacate the preliminary injunction on file. Until such time as said motion to
5 vacate is decided, Plaintiff objects to the production of any "Documents" relating to this request.

6
7 **Request for Production No. 32:** All DOCUMENTS under YOUR control which RELATE TO
8 Michael Sandoval, who resides in or near Portland, Oregon, which date from January 18, 2006 to
9 present.

10 **Response to Request for Production No. 32:**

11 See RESPONSE to No. 1, 13, 15, 18, 24 and 31 which Plaintiff incorporates herein. Plaintiff further
12 objects on the grounds that he does not know any Michael Sandoval from Portland Oregon and,
13 therefore cannot respond. He does know a Michael Sandoval., who, to his knowledge, does not
14 reside in Portland Oregon and incorporates herein his response to number 31.

15
16 **Request for Production No. 33:** All DOCUMENTS that RELATE TO any attempt (either
17 successful or unsuccessful) by YOU and in conjunction with Michael Sandoval (who resides in or
18 near Portland, Oregon) to sell, license, distribute or otherwise exchange for value any interest in
19 software or other technology in the fields of data compression, object tracking, pattern recognition,
20 or anomaly detection, from January 18, 2006 to present.

21 **Response to Request for Production No. 33:**

22 See RESPONSE to No. 1, 13, 15, 18, 24 and 31 and 32 which Plaintiff incorporates herein.

23
24 August 28, 2006

25 /s/
26 Michael J. Flynn, Attorney for Dennis
27 Montgomery and the Montgomery Family Trust
28

CERTIFICATE OF SERVICE

I, Lezlie M. Lucas, declare: I am an employee in the City of Reno, County of Washoe, State of Nevada, employed by the Law Office of Logar & Pulver, PC, located at 225 S. Arlington Avenue, Suite A, Reno, Nevada 89501. I am over the age of 18 years and not a party to this action.

I am readily familiar with the Law Office of Logar & Pulver's practice for the collection of mail, delivery of its hand-deliveries, their process of facsimile's and the practice of mailing.

On August 29th, 2006, I caused the foregoing document to be delivered to the following persons and/or entities:

With Documents Bate Stamped No.: 001 through 0036

Sent Via US Regular Mail:

Via-Facsimile: 786-6179

Mr. Jerry M. Snyder, Esq.

Hale Lane Peek Dennison and Howard
5441 Kietzke Lane, Second Floor
Reno, NV 89511

Sent Via US Regular Mail:

Stephen J. Peek, Esq.

Hale Lane Peek Dennison and Howard
5441 Kietzke Lane, Second Floor
Reno, NV 89511

Sent Via US Regular Mail:

Pillsbury Winthrop Shaw Pittman, L.L.P.
David A. Jakopin, Esq.
2475 Hanover Street
Palo Alto, CA 94304-1114

Sent Via US Regular Mail:

Pillsbury Winthrop Shaw Pittman, L.L.P.
Jonathan D. Butler, Esq.
2475 Hanover Street
Palo Alto, CA 94304-1114

Sent Via US Regular Mail:

Civil Process Clerk, United States Attorney for the
District of Nevada;
100 W. Liberty Street, Suite 600
Reno, NV 89501

/S/LML

Lezlie M. Lucas, Notary Public

Legal Assistant to the

Law Office of Logar & Pulver, PC

EXHIBIT “C”

EXHIBIT “C”

ORIGINAL

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Eric Pulver--State Bar No. 7874
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Tel: (858) 759-7000; Fax: (858) 759-0711
(Application for Admission Pro Hac Vice)

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF NEVADA**

DENNIS MONTGOMERY et al.,
Plaintiffs,

Case No. CV-N-06-0056-BES-VPC

vs.

ETREPPID TECHNOLOGIES, LLC et al.,
Defendants.

**PLAINTIFF DENNIS MONTGOMERY AND MONTGOMERY FAMILY TRUST'S RESPONSES
TO ETREPPID TECHNOLOGY LLC'S REQUESTS FOR PRODUCTION OF DOCUMENTS:**

DOCUMENTS BATE STAMPED 0037 THROUGH AND INCLUDING 0317

LAW OFFICE OF LOGAR & PULVER, PC
225 S. ARLINGTON AVENUE
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RENO, NV 89501
(775) 786-5040

CERTIFICATE OF SERVICE

I, Lezlie M. Lucas, declare: I am an employee in the City of Reno, County of Washoe, State of Nevada, employed by the Law Office of Logar & Pulver, PC, located at 225 S. Arlington Avenue, Suite A, Reno, NV 89501. I am over the age of 18 years and not a party to this action.

I am readily familiar with the Law Office of Logar & Pulver's practice for the collection of mail, delivery of its hand-deliveries, their process of facsimile's and the practice of mailing.

On August 30, 2006, I caused the foregoing document to be delivered to the following persons and/or entities: DOCUMENTS BATE STAMPED 0037 through and including 0317

Sent Via US Regular Mail: Mr. Jerry M. Snyder, Esq.
Hale Lane Peek Dennison and Howard
5441 Kietzke Lane, Second Floor
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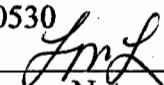
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Sent Via US Regular Mail: Civil Process Clerk, United States Attorney for the District of Nevada;
100 W. Liberty Street, Suite 600
Reno, NV 89501

Sent Via US Regular Mail: Carlotta P. Wells
US Department of Justice, Civil Division
20 Massachusetts Avenue, NW
Washington, DC 20530

/s/LML 
Lezlie M. Lucas, Notary Public
Legal Assistant to the
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EXHIBIT “D”

EXHIBIT “D”

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10 Attorneys for Plaintiffs
 11 DENNIS MONTGOMERY, and the MONTGOMERY
 FAMILY TRUST

12
 13 **UNITED STATES DISTRICT COURT**
 14 **DISTRICT OF NEVADA**
 15

16 DENNIS MONTGOMERY and the
 MONTGOMERY FAMILY TRUST,

17 Plaintiffs,

18 vs.

19 ETREPPID TECHNOLOGIES, LLC, WARREN
 20 TREPP, and the UNITED STATES
 DEPARTMENT OF DEFENSE,

21 Defendants.
 22

23 AND RELATED CASES.
 24

) Case No. 3:06-CV-00056-PMP-VPC
) BASE FILE

) (Consolidated with Case No. 3:06-CV-
) 00145-PMP-VPC)

) **PLAINTIFFS DENNIS**
) **MONTGOMERY'S AND THE**
) **MONTGOMERY FAMILY TRUST'S**
) **SUPPLEMENTAL RESPONSES TO**
) **DEFENDANT ETREPPID**
) **TECHNOLOGIES, LLC'S REQUESTS**
) **FOR PRODUCTION OF DOCUMENTS,**
) **SET ONE**

25 PROPOUNDING PARTY: DEFENDANT ETREPPID TECHNOLOGIES, LLC

26 RESPONDING PARTY: PLAINTIFFS DENNIS MONTGOMERY AND THE
 27 MONTGOMERY FAMILY TRUST

28 SET NO.: ONE

PLAINTIFFS' SUPPLEMENTAL RESPONSES TO ETREPPID'S REQUESTS FOR PRODUCTION OF
 DOCUMENTS, SET ONE

1 Dennis Montgomery and the Montgomery Family Trust (collectively "Responding Parties"
 2 or "The Montgomery Parties") hereby supplement their response to Defendant eTreppid
 3 Technologies, LLC's Request for Production of Documents, Set One.

4 The documents and things to be produced in response to the Requests, as indicated herein,
 5 shall be made available for inspection and copying at the office of Liner Yankelevitz Sunshine &
 6 Regenstreif, LLP, located at 1100 Glendon Avenue, 14th Floor, Los Angeles, California 90024-
 7 3503, at a time that is mutually convenient for the parties.

8 **PRELIMINARY STATEMENT**

9 Responding Parties have not completed their investigation of the facts relating to this case
 10 and discovery is still in the early stages. The responses contained herein are based upon only such
 11 information and documents which are presently available to and specifically known to Responding
 12 Parties. It is anticipated that further discovery and investigation may lead to additional facts and/or
 13 identification of additional witnesses. Accordingly, the following responses are made without
 14 prejudice to Responding Parties' right to amend or supplement these responses, or to produce and
 15 rely upon evidence of subsequently discovered facts and/or witnesses.

16 To the extent applicable, Responding Parties' responses are made in compliance with the
 17 U.S. Protective Order, entered in this action on August 29, 2007, and any applicable confidentiality
 18 agreements, and subject to the Protective Order entered in this action on September 20, 2007.

19 **REQUEST FOR PRODUCTION NO. 1:**

20 All DOCUMENTS that RELATE TO any of YOUR responses to the Interrogatories served
 21 herewith.

22 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

23 Responding Party objects to this request on the grounds that, particularly as the term YOUR
 24 is defined: (i) the request is overly broad and ambiguous; (ii) the request seeks information which
 25 is neither relevant to the claims and defenses asserted in this action, nor reasonably calculated to
 26 lead to discovery of admissible evidence; and (iii) the seeks information protected from disclosure
 27 by the attorney-client privilege and/or attorney work product doctrine. Responding Parties further
 28 object to this request: (iv) to the extent it purports to impose obligations upon Responding Parties

1 that exceed those imposed by the Federal Rules of Civil Procedure and Local Rules; (v) to the
2 extent it is unnecessarily invasive of Responding Parties' right to maintain and protect its trade
3 secrets; and (vi) to the extent it is unnecessarily invasive of Responding Parties' confidential
4 business information and rights of privacy.

5 Subject to and without waiving the stated objections, Responding Parties will produce the
6 relevant non-privileged responsive documents in their possession, custody or control, to the extent
7 documents were referenced in Responding Parties' responses to the Interrogatories.

8 **REQUEST FOR PRODUCTION NO. 2:**

9 All DOCUMENTS that YOU reviewed or to which YOU referred in preparing YOUR
10 Responses to the Interrogatories served herewith.

11 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

12 Responding Party objects to this request on the grounds that, particularly as the terms YOU
13 and YOUR are defined, the request: (i) is overly broad and ambiguous; (ii) seeks information
14 which is neither relevant to the claims and defenses asserted in this action, nor reasonably
15 calculated to lead to discovery of admissible evidence; and (iii) seeks information protected from
16 disclosure by the attorney-client privilege and/or attorney work product doctrine.

17 **REQUEST FOR PRODUCTION NO. 3:**

18 All DOCUMENTS that contain some or all of the full text of each of the COPYRIGHTS.

19 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

20 Responding Party objects to this request on the grounds that: (i) the request is overly broad
21 and ambiguous; (ii) the request seeks information which is neither relevant to the claims and
22 defenses asserted in this action, nor reasonably calculated to lead to discovery of admissible
23 evidence; (iii) the request seeks information protected from disclosure by the attorney-client
24 privilege and/or attorney work product doctrine; (iv) the request is unnecessarily invasive of
25 Responding Parties' right to maintain and protect its trade secrets; (v) the request is unnecessarily
26 invasive of Responding Parties' confidential business information and rights of privacy; and (vi)
27 the request purports to impose obligations upon Responding Parties that exceed those imposed by
28 the Federal Rules of Civil Procedure and Local Rules.

1 Subject to and without waiving the stated objections, Responding Parties will produce
2 copies of the materials deposited with the United States Copyright Office for the subject copyright
3 registrations.

4 **REQUEST FOR PRODUCTION NO. 4:**

5 All DOCUMENTS that contain some or all of any material, included in and/or protected by
6 the COPYRIGHTS, that YOU contend Defendants have, either collectively or individually,
7 infringed.

8 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

9 Responding Party objects to this request on the grounds that, particularly as the term YOU
10 is defined: (i) the request is overly broad and ambiguous; (ii) the request seeks information which
11 is neither relevant to the claims and defenses asserted in this action, nor reasonably calculated to
12 lead to discovery of admissible evidence; (iii) the request seeks information protected from
13 disclosure by the attorney-client privilege and/or attorney work product doctrine; (iv) the request is
14 unnecessarily invasive of Responding Parties' right to maintain and protect its trade secrets; (v) the
15 request is unnecessarily invasive of Responding Parties' confidential business information and
16 rights of privacy; and (vi) the request purports to impose obligations upon Responding Parties that
17 exceed those imposed by the Federal Rules of Civil Procedure and Local Rules.

18 Subject to and without waiving the stated objections, Responding Parties will produce
19 copies of the materials deposited with the United States Copyright Office for the subject copyright
20 registrations.

21 **REQUEST FOR PRODUCTION NO. 5:**

22 All DOCUMENTS that RELATE TO YOUR contention that YOU own the
23 COPYRIGHTS.

24 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

25 Responding Party objects to this request on the grounds that, particularly as the terms YOU
26 and YOUR are defined: (i) the request is overly broad and ambiguous; (ii) the request seeks
27 information which is neither relevant to the claims and defenses asserted in this action, nor
28 reasonably calculated to lead to discovery of admissible evidence; (iii) the request seeks

1 information protected from disclosure by the attorney-client privilege and/or attorney work product
2 doctrine; (iv) the request is unnecessarily invasive of Responding Parties' right to maintain and
3 protect its trade secrets; (v) the request is unnecessarily invasive of Responding Parties'
4 confidential business information and rights of privacy; and (vi) the request purports to impose
5 obligations upon Responding Parties that exceed those imposed by the Federal Rules of Civil
6 Procedure and Local Rules.

7 Subject to and without waiving the stated objections, Responding Parties will produce
8 copies of the subject copyright registrations and related assignments, and copies of the materials
9 deposited with the United States Copyright Office for the subject copyright registrations.

10 **REQUEST FOR PRODUCTION NO. 6:**

11 All DOCUMENTS that contain some or all of the full text of each work that YOU contend
12 is a 'derivative work' of the COPYRIGHTS.

13 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 6:**

14 Responding Party objects to this request on the grounds that, particularly as the term YOU
15 is defined: (i) the request is overly broad and ambiguous; (ii) the request seeks information which
16 is neither relevant to the claims and defenses asserted in this action, nor reasonably calculated to
17 lead to discovery of admissible evidence; (iii) the request seeks information protected from
18 disclosure by the attorney-client privilege and/or attorney work product doctrine; (iv) the request is
19 unnecessarily invasive of Responding Parties' right to maintain and protect its trade secrets; (v) the
20 request is unnecessarily invasive of Responding Parties' confidential business information and
21 rights of privacy; and (vi) the request purports to impose obligations upon Responding Parties that
22 exceed those imposed by the Federal Rules of Civil Procedure and Local Rules.

23 **REQUEST FOR PRODUCTION NO. 7:**

24 All DOCUMENTS that RELATE TO the registration(s) of each work that YOU contend is
25 a 'derivative work' of the COPYRIGHTS.

26 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

27 Responding Party objects to this request on the grounds that, particularly as the term YOU
28 is defined: (i) the request is overly broad and ambiguous; (ii) the request seeks information which

1 is neither relevant to the claims and defenses asserted in this action, nor reasonably calculated to
2 lead to discovery of admissible evidence; (iii) the request seeks information protected from
3 disclosure by the attorney-client privilege and/or attorney work product doctrine; (iv) the request is
4 unnecessarily invasive of Responding Parties' right to maintain and protect its trade secrets; (v) the
5 request is unnecessarily invasive of Responding Parties' confidential business information and
6 rights of privacy; and (vi) the request purports to impose obligations upon Responding Parties that
7 exceed those imposed by the Federal Rules of Civil Procedure and Local Rules.

8 Subject to and without waiving the stated objections, Responding Parties respond that, to
9 date, there are no such registrations.

10 **REQUEST FOR PRODUCTION NO. 8:**

11 All DOCUMENTS that RELATE TO YOUR contention that Defendants, either
12 collectively or individually, have infringed upon any of the COPYRIGHTS.

13 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

14 Responding Party objects to this request on the grounds that, particularly as the term YOUR
15 is defined: (i) the request is overly broad and ambiguous; (ii) the request seeks information which
16 is neither relevant to the claims and defenses asserted in this action, nor reasonably calculated to
17 lead to discovery of admissible evidence; (iii) the request seeks information protected from
18 disclosure by the attorney-client privilege and/or attorney work product doctrine; (iv) the request is
19 unnecessarily invasive of Responding Parties' right to maintain and protect its trade secrets; (v) the
20 request is unnecessarily invasive of Responding Parties' confidential business information and
21 rights of privacy; and (vi) the request purports to impose obligations upon Responding Parties that
22 exceed those imposed by the Federal Rules of Civil Procedure and Local Rules.

23 Subject to and without waving the stated objections, Responding Parties will produce the
24 relevant non-privileged documents in their possession, custody or control, which are sufficient to
25 demonstrate the infringement.

1 **REQUEST FOR PRODUCTION NO. 9:**

2 All DOCUMENTS that RELATE TO YOUR contention that Defendants, either
3 collectively or individually, have infringed upon any work that YOU contend is a 'derivative work'
4 of the COPYRIGHTS.

5 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

6 Responding Party objects to this request on the grounds that, particularly as the terms YOU
7 and YOUR are defined: (i) the request is overly broad and ambiguous; (ii) the request seeks
8 information which is neither relevant to the claims and defenses asserted in this action, nor
9 reasonably calculated to lead to discovery of admissible evidence; (iii) the request seeks
10 information protected from disclosure by the attorney-client privilege and/or attorney work product
11 doctrine; (iv) the request is unnecessarily invasive of Responding Parties' right to maintain and
12 protect its trade secrets; (v) the request is unnecessarily invasive of Responding Parties'
13 confidential business information and rights of privacy; and (vi) the request purports to impose
14 obligations upon Responding Parties that exceed those imposed by the Federal Rules of Civil
15 Procedure and Local Rules.

16 Subject to and without waving the stated objections, Responding Parties will produce the
17 relevant non-privileged documents in their possession, custody, or control, which are sufficient to
18 demonstrate the infringement.

19 **REQUEST FOR PRODUCTION NO. 10:**

20 All DOCUMENTS that RELATE TO any health insurance for YOU from 1998 through
21 2005 (this includes, but is not limited to: all invoices, enrollment forms, insurance cards, and
22 evidence of payment of any premiums).

23 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

24 Responding Party objects to this request on the grounds that, particularly as the term YOU
25 is defined: (i) the request is overly broad and ambiguous; (ii) the request seeks information which
26 is neither relevant to the claims and defenses asserted in this action, nor reasonably calculated to
27 lead to discovery of admissible evidence; (iii) the request seeks information protected from
28 disclosure by the attorney-client privilege and/or attorney work product doctrine; (iv) the request is

unnecessarily invasive of Responding Parties' rights of privacy; and (v) the request purports to impose obligations upon Responding Parties that exceed those imposed by the Federal Rules of Civil Procedure and Local Rules.

Subject to and without waving the stated objections, Responding Parties respond that the relevant non-privileged documents sufficient to demonstrate that Dennis Montgomery obtained health insurance through eTreppid at his own cost are the K-1's issued to Mr. Montgomery by eTreppid, some of which have been produced in this action.

REQUEST FOR PRODUCTION NO. 11:

All DOCUMENTS that RELATE TO personal income tax returns filed by YOU from 1998 through 2005.

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

Responding Party objects to this request on the grounds that, particularly as the term YOU is defined: (i) the request is overly broad and ambiguous; (ii) the request seeks information which is neither relevant to the claims and defenses asserted in this action, nor reasonably calculated to lead to discovery of admissible evidence; (iii) the request seeks information protected from disclosure by the attorney-client privilege and/or attorney work product doctrine; (iv) the request is unnecessarily invasive of rights of privacy; and (v) the request purports to impose obligations upon Responding Parties that exceed those imposed by the Federal Rules of Civil Procedure and Local Rules.

REQUEST FOR PRODUCTION NO. 12:

All DOCUMENTS that RELATE TO any payment of money by Defendants, either collectively or individually, to YOU (including, but not limited to: pay stubs, expense vouchers, I.R.S. Form 1099s, and I.R.S. Form W-2s).

SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

Responding Party objects to this request on the grounds that, particularly as the term YOU is defined: (i) the request is overly broad and ambiguous; (ii) the request seeks information which is neither relevant to the claims and defenses asserted in this action, nor reasonably calculated to lead to discovery of admissible evidence; (iii) the request seeks information protected from

1 disclosure by the attorney-client privilege and/or attorney work product doctrine; and (iv) the
2 request purports to impose obligations upon Responding Parties that exceed those imposed by the
3 Federal Rules of Civil Procedure and Local Rules.

4 Subject to and without waiving the stated objections, Responding Parties respond that the
5 relevant non-privileged documents which reflect this information (excluding reimbursement for
6 expenses) are the K-1's, W-2's, and Form 1099's issued to Montgomery by eTreppid, all of which
7 are in eTreppid's possession, custody, and control, and some of which have been produced in this
8 action by eTreppid.

9 **REQUEST FOR PRODUCTION NO. 13:**

10 All DOCUMENTS that RELATE TO any loan made to YOU by Warren Trepp or by any
11 entity controlled by Mr. Trepp (including, but not limited to: promissory notes or similar
12 instruments, copies of checks, bank statements showing the deposit of loan proceeds, receipts, and
13 each DOCUMENT that RELATES TO any such loan).

14 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

15 Responding Party objects to this request on the grounds that, particularly as the term YOU
16 is defined: (i) the request is overly broad and ambiguous; (ii) the request seeks information which
17 is neither relevant to the claims and defenses asserted in this action, nor reasonably calculated to
18 lead to discovery of admissible evidence; (iii) the request seeks information protected from
19 disclosure by the attorney-client privilege and/or attorney work product doctrine; (iv) the request is
20 unnecessarily invasive of rights of privacy; and (v) the request purports to impose obligations upon
21 Responding Parties that exceed those imposed by the Federal Rules of Civil Procedure and Local
22 Rules.

23 **REQUEST FOR PRODUCTION NO. 14:**

24 All DOCUMENTS that RELATE TO repayment of any loan made to YOU by Warren
25 Trepp or by any entity controlled by Mr. Trepp (including, but not limited to: cancelled checks,
26 receipts, or bank statements).

27

28

1 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

2 Responding Party objects to this request on the grounds that, particularly as the term YOU
3 is defined: (i) the request is overly broad and ambiguous; (ii) the request seeks information which
4 is neither relevant to the claims and defenses asserted in this action, nor reasonably calculated to
5 lead to discovery of admissible evidence; (iii) the request seeks information protected from
6 disclosure by the attorney-client privilege and/or attorney work product doctrine; (iv) the request is
7 unnecessarily invasive of rights of privacy; and (v) the request purports to impose obligations upon
8 Responding Parties that exceed those imposed by the Federal Rules of Civil Procedure and Local
9 Rules.

10 **REQUEST FOR PRODUCTION NO. 15:**

11 All DOCUMENTS that RELATE TO any discussion in which YOU informed any officer
12 or agent of eTreppid of YOUR contention that YOU owned an interest in any technology being
13 developed by eTreppid (this does not include any ownership interest arising solely from YOUR
14 ownership interest as a member of eTreppid).

15 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

16 Responding Party objects to this request on the grounds that, particularly as the terms YOU
17 and YOUR are defined: (i) the request is overly broad and ambiguous, particularly with respect to
18 what technology was "being developed by eTreppid"; (ii) the request seeks information which is
19 neither relevant to the claims and defenses asserted in this action, nor reasonably calculated to lead
20 to discovery of admissible evidence; (iii) the request seeks information protected from disclosure
21 by the attorney-client privilege and/or attorney work product doctrine; and (iv) the request purports
22 to impose obligations upon Responding Parties that exceed those imposed by the Federal Rules of
23 Civil Procedure and Local Rules.

24 Subject to and without waiving the stated objections, Responding Parties will produce the
25 relevant non-privileged responsive documents in their possession, custody or control.

26 **REQUEST FOR PRODUCTION NO. 16:**

27 All DOCUMENTS that RELATE TO eTreppid's technology, products, and/or research and
28 development efforts (including, but not limited to: any and all marketing documents, business

1 plans, PowerPoint presentations, white papers, correspondence, and/or notes of meetings with
2 customers or potential customers).

3 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

4 Responding Party objects to this request on the grounds that: (i) the request is overly broad
5 and ambiguous; (ii) the request seeks information which is neither relevant to the claims and
6 defenses asserted in this action, nor reasonably calculated to lead to discovery of admissible
7 evidence; (iii) the request seeks information protected from disclosure by the attorney-client
8 privilege and/or attorney work product doctrine; and (iv) the request purports to impose obligations
9 upon Responding Parties that exceed those imposed by the Federal Rules of Civil Procedure and
10 Local Rules.

11 Subject to and without waiving the stated objections, Responding Parties will produce the
12 relevant documents in their possession, custody, or control, which are sufficient to identify the
13 compression technology transferred to eTreppid under the 1998 Contribution Agreement.

14 **REQUEST FOR PRODUCTION NO. 17:**

15 All DOCUMENTS that RELATE TO any transaction through which YOU transferred any
16 ownership interest (or portion thereof) in eTreppid to any third party.

17 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

18 Responding Party objects to this request on the grounds that, particularly as the term YOU
19 is defined: (i) the request is overly broad and ambiguous; (ii) the request seeks information which
20 is neither relevant to the claims and defenses asserted in this action, nor reasonably calculated to
21 lead to discovery of admissible evidence; (iii) the request seeks information protected from
22 disclosure by the attorney-client privilege and/or attorney work product doctrine; (iv) the request is
23 unnecessarily invasive of Responding Parties' rights of privacy; and (v) the request purports to
24 impose obligations upon Responding Parties that exceed those imposed by the Federal Rules of
25 Civil Procedure and Local Rules.

26 Subject to and without waiving the stated objections, Responding Parties have no non-
27 privileged responsive documents in their possession, custody or control.

28

1 **REQUEST FOR PRODUCTION NO. 18:**

2 All DOCUMENTS that contain any source code, written by YOU or under YOUR
3 direction, that RELATES TO the fields of data compression, pattern recognition, object tracking or
4 anomaly detection (including, but not limited to: all or any part of a software program or
5 algorithm).

6 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

7 Responding Party objects to this request on the grounds that, particularly as the terms YOU
8 and YOUR are defined: (i) the request is overly broad and ambiguous; (ii) the request seeks
9 information which is neither relevant to the claims and defenses asserted in this action, nor
10 reasonably calculated to lead to discovery of admissible evidence; (iii) the request seeks
11 information protected from disclosure by the attorney-client privilege and/or attorney work product
12 doctrine; (iv) the request is unnecessarily invasive of Responding Parties' right to maintain and
13 protect its trade secrets; (v) the request is unnecessarily invasive of Responding Parties'
14 confidential business information and rights of privacy; and (vi) the request purports to impose
15 obligations upon Responding Parties that exceed those imposed by the Federal Rules of Civil
16 Procedure and Local Rules.

17 Subject to and without waiving the stated objections, Responding Parties will produce the
18 relevant non-privileged documents in their possession, custody or control, which are sufficient to
19 identify the compression technology source code transferred to eTreppid under the 1998
20 Contribution Agreement.

21 **REQUEST FOR PRODUCTION NO. 19:**

22 All DOCUMENTS that RELATE TO any research and development efforts made, by YOU
23 or by anyone working under YOUR direction, in the fields of data compression, object tracking,
24 pattern recognition, or anomaly detection (including, but not limited to: any and all notes,
25 diagrams, laboratory materials, or source code).

26 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

27 Responding Party objects to this request on the grounds that, particularly as the terms YOU
28 and YOUR are defined: (i) the request is overly broad and ambiguous; (ii) the request seeks

1 information which is neither relevant to the claims and defenses asserted in this action, nor
2 reasonably calculated to lead to discovery of admissible evidence; (iii) the request seeks
3 information protected from disclosure by the attorney-client privilege and/or attorney work product
4 doctrine; (iv) the request is unnecessarily invasive of Responding Parties' right to maintain and
5 protect its trade secrets; (v) the request is unnecessarily invasive of Responding Parties'
6 confidential business information and rights of privacy, and (vi) the request purports to impose
7 obligations upon Responding Parties that exceed those imposed by the Federal Rules of Civil
8 Procedure and Local Rules.

9 Subject to and without waiving the stated objections, Responding Parties will produce the
10 relevant non-privileged documents in their possession, custody or control, which are sufficient to
11 describe the research and development efforts for eTreppid by Dennis Montgomery or anyone
12 working under his direction, with respect to the compression technology transferred under the 1998
13 Contribution Agreement.

14 **REQUEST FOR PRODUCTION NO. 20:**

15 Executable versions of any and all software, developed by YOU or by anyone working
16 under YOUR direction, which RELATES TO the fields of data compression, object tracking,
17 pattern recognition, or anomaly detection.

18 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

19 Responding Party objects to this request on the grounds that, particularly as the terms YOU
20 and YOUR are defined: (i) the request is overly broad and ambiguous; (ii) the request seeks
21 information which is neither relevant to the claims and defenses asserted in this action, nor
22 reasonably calculated to lead to discovery of admissible evidence; (iii) the request seeks
23 information protected from disclosure by the attorney-client privilege and/or attorney work product
24 doctrine; (iv) the request is unnecessarily invasive of Responding Parties' right to maintain and
25 protect its trade secrets; (v) the request is unnecessarily invasive of Responding Parties'
26 confidential business information and rights of privacy; and (vi) the request purports to impose
27 obligations upon Responding Parties that exceed those imposed by the Federal Rules of Civil
28 Procedure and Local Rules.

1 Subject to and without waiving the stated objections, Responding Parties will produce the
 2 relevant non-privileged documents in their possession, custody or control, which are sufficient to
 3 identify the compression technology transferred under the 1998 Contribution Agreement.

4 **REQUEST FOR PRODUCTION NO. 21:**

5 All DOCUMENTS (including, but not limited to: notes, letters, electronic correspondence,
 6 calendar entries, phone messages, or any type of memorandum), which RELATES TO any
 7 COMMUNICATION from 1998 to present, by or between YOU and any other person or entity,
 8 which RELATES TO the development of software or other technology in the fields of data
 9 compression, object tracking, pattern recognition, or anomaly detection.

10 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

11 Responding Party objects to this request on the grounds that, particularly as the terms YOU
 12 and YOUR are defined: (i) the request is overly broad and ambiguous; (ii) the request seeks
 13 information which is neither relevant to the claims and defenses asserted in this action, nor
 14 reasonably calculated to lead to discovery of admissible evidence; (iii) the request seeks
 15 information protected from disclosure by the attorney-client privilege and/or attorney work product
 16 doctrine; (iv) the request is unnecessarily invasive of Responding Parties' right to maintain and
 17 protect its trade secrets; (v) the request is unnecessarily invasive of Responding Parties'
 18 confidential business information and rights of privacy; and (vi) the request purports to impose
 19 obligations upon Responding Parties that exceed those imposed by the Federal Rules of Civil
 20 Procedure and Local Rules.

21 Subject to and without waiving the stated objections, Responding Parties will produce the
 22 relevant non-privileged responsive documents in their possession, custody or control.

23 **REQUEST FOR PRODUCTION NO. 22:**

24 All DOCUMENTS that RELATE TO the software that YOU transferred to eTreppid under
 25 the terms of the September 28, 1998 Contribution Agreement (including, but not limited to: all
 26 source code — whether in printed or electronic form — executable files, shop notes, laboratory
 27 notes, and any other memoranda).

1 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

2 Responding Party objects to this request on the grounds that, particularly as the terms YOU
3 and YOUR are defined: (i) the request is overly broad and ambiguous; (ii) the request seeks
4 information which is neither relevant to the claims and defenses asserted in this action, nor
5 reasonably calculated to lead to discovery of admissible evidence; (iii) the request seeks
6 information protected from disclosure by the attorney-client privilege and/or attorney work product
7 doctrine; and (is) the request purports to impose obligations upon Responding Parties that exceed
8 those imposed by the Federal Rules of Civil Procedure and Local Rules.

9 Subject to and without waiving the stated objections, Responding Parties will produce the
10 relevant non-privileged documents in their possession, custody or control, which are sufficient to
11 describe the compression technology transferred under the 1998 Contribution Agreement.

12 **REQUEST FOR PRODUCTION NO. 23:**

13 All DOCUMENTS that RELATE TO the formation and/or creation of The Montgomery
14 Family Trust.

15 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

16 Responding Party objects to this request on the grounds that, particularly as the terms YOU
17 and YOUR are defined: (i) the request is overly broad and ambiguous; (ii) the request seeks
18 information which is neither relevant to the claims and defenses asserted in this action, nor
19 reasonably calculated to lead to discovery of admissible evidence; (iii) the request seeks
20 information protected from disclosure by the attorney-client privilege and/or attorney work product
21 doctrine; (iv) the request is unnecessarily invasive of Responding Parties' right to maintain and
22 protect its trade secrets; (v) the request is unnecessarily invasive of Responding Parties'
23 confidential business information and rights of privacy; and (vi) the request purports to impose
24 obligations upon Responding Parties that exceed those imposed by the Federal Rules of Civil
25 Procedure and Local Rules.

26 Subject to and without waiving the stated objections, Responding Parties will produce the
27 relevant non-privileged documents in their possession, custody or control, which are sufficient to
28 demonstrate the formation of The Montgomery Family Trust.

1 **REQUEST FOR PRODUCTION NO. 24:**

2 All DOCUMENTS that RELATE TO YOUR relationship (business or otherwise) with an
3 entity known as Computermate, Inc.

4 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

5 Responding Party objects to this request on the grounds that: (i) the request is overly broad
6 and ambiguous; (ii) the request seeks information which is neither relevant to the claims and
7 defenses asserted in this action, nor reasonably calculated to lead to discovery of admissible
8 evidence; (iii) the request seeks information protected from disclosure by the attorney-client
9 privilege and/or attorney work product doctrine; (iv) the request is unnecessarily invasive of
10 Responding Parties' right to maintain and protect its trade secrets; (v) the request is unnecessarily
11 invasive of Responding Parties' confidential business information and rights of privacy; (vi) the
12 request purports to impose obligations upon Responding Parties that exceed those imposed by the
13 Federal Rules of Civil Procedure and Local Rules; and (vii) the request raises an impermissible and
14 disqualifying conflict of interest issues (which can be imputed to Hale Lane Peek Dennison and
15 Howard) in light of the fact that Pillsbury Winthrop Shaw and Pittman, LLP – which was
16 eTrepid's counsel of record at the time these requests were propounded – represented Responding
17 Parties with regard to the subject matter of the request and had such documents in their possession,
18 custody or control.

19 **REQUEST FOR PRODUCTION NO. 25:**

20 All DOCUMENTS that RELATE TO YOUR relationship (business or otherwise) with an
21 entity known as Barrett Laboratories, Inc.

22 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 25:**

23 Responding Party objects to this request on the grounds that: (i) the request is overly broad
24 and ambiguous; (ii) the request seeks information which is neither relevant to the claims and
25 defenses asserted in this action, nor reasonably calculated to lead to discovery of admissible
26 evidence; (iii) the request seeks information protected from disclosure by the attorney-client
27 privilege and/or attorney work product doctrine; (iv) the request is unnecessarily invasive of
28 Responding Parties' right to maintain and protect its trade secrets; (v) the request is unnecessarily

1 invasive of Responding Parties' confidential business information and rights of privacy; (vi) the
2 request purports to impose obligations upon Responding Parties that exceed those imposed by the
3 Federal Rules of Civil Procedure and Local Rules; and (vii) the request raises an impermissible and
4 disqualifying conflict of interest issues (which can be imputed to Hale Lane Peek Dennison and
5 Howard) in light of the fact that Pillsbury Winthrop Shaw and Pittman, LLP – which was
6 eTrepid's counsel of record at the time these requests were propounded – represented Responding
7 Parties with regard to the subject matter of the request and had such documents in their possession,
8 custody or control.

9 **REQUEST FOR PRODUCTION NO. 26:**

10 All DOCUMENTS that RELATE TO YOUR relationship (business or otherwise) with an
11 entity known as 3Net Systems, Inc.

12 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

13 Responding Party objects to this request on the grounds that: (i) the request is overly broad
14 and ambiguous; (ii) the request seeks information which is neither relevant to the claims and
15 defenses asserted in this action, nor reasonably calculated to lead to discovery of admissible
16 evidence; (iii) the request seeks information protected from disclosure by the attorney-client
17 privilege and/or attorney work product doctrine; (iv) the request is unnecessarily invasive of
18 Responding Parties' right to maintain and protect its trade secrets; (v) the request is unnecessarily
19 invasive of Responding Parties' confidential business information and rights of privacy; (vi) the
20 request purports to impose obligations upon Responding Parties that exceed those imposed by the
21 Federal Rules of Civil Procedure and Local Rules; and (vii) the request raises an impermissible and
22 disqualifying conflict of interest issues (which can be imputed to Hale Lane Peek Dennison and
23 Howard) in light of the fact that Pillsbury Winthrop Shaw and Pittman, LLP – which was
24 eTrepid's counsel of record at the time these requests were propounded – represented Responding
25 Parties with regard to the subject matter of the request and had such documents in their possession,
26 custody or control.

1 REQUEST FOR PRODUCTION NO. 27:

2 All DOCUMENTS that RELATE TO YOUR relationship (business or otherwise) with an
 3 entity known as Alternative Technology Resources, Inc.

4 SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 27:

5 Responding Party objects to this request on the grounds that: (i) the request is overly broad
 6 and ambiguous; (ii) the request seeks information which is neither relevant to the claims and
 7 defenses asserted in this action, nor reasonably calculated to lead to discovery of admissible
 8 evidence; (iii) the request seeks information protected from disclosure by the attorney-client
 9 privilege and/or attorney work product doctrine; (iv) the request is unnecessarily invasive of
 10 Responding Parties' right to maintain and protect its trade secrets; (v) the request is unnecessarily
 11 invasive of Responding Parties' confidential business information and rights of privacy; (vi) the
 12 request purports to impose obligations upon Responding Parties that exceed those imposed by the
 13 Federal Rules of Civil Procedure and Local Rules; and (vii) the request raises an impermissible and
 14 disqualifying conflict of interest issues (which can be imputed to Hale Lane Peek Dennison and
 15 Howard) in light of the fact that Pillsbury Winthrop Shaw and Pittman, LLP – which was
 16 eTreppid's counsel of record at the time these requests were propounded – represented Responding
 17 Parties with regard to the subject matter of the request and had such documents in their possession,
 18 custody or control.

19 REQUEST FOR PRODUCTION NO. 28:

20 All DOCUMENTS that RELATE TO YOUR relationship (business or otherwise) with an
 21 entity known as National Healthcare Exchange Services, Inc.

22 SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 28:

23 Responding Party objects to this request on the grounds that: (i) the request is overly broad
 24 and ambiguous; (ii) the request seeks information which is neither relevant to the claims and
 25 defenses asserted in this action, nor reasonably calculated to lead to discovery of admissible
 26 evidence; (iii) the request seeks information protected from disclosure by the attorney-client
 27 privilege and/or attorney work product doctrine; (iv) the request is unnecessarily invasive of
 28 Responding Parties' right to maintain and protect its trade secrets; (v) the request is unnecessarily

1 invasive of Responding Parties' confidential business information and rights of privacy; (vi) the
 2 request purports to impose obligations upon Responding Parties that exceed those imposed by the
 3 Federal Rules of Civil Procedure and Local Rules; and (vii) the request raises an impermissible and
 4 disqualifying conflict of interest issues (which can be imputed to Hale Lane Peek Dennison and
 5 Howard) in light of the fact that Pillsbury Winthrop Shaw and Pittman, LLP – which was
 6 eTrepid's counsel of record at the time these requests were propounded – represented Responding
 7 Parties with regard to the subject matter of the request and had such documents in their possession,
 8 custody or control.

9 **REQUEST FOR PRODUCTION NO. 29:**

10 All DOCUMENTS that RELATE TO any attempt (either successful or unsuccessful) by
 11 YOU to sell, license, distribute or otherwise exchange for value any interest in the COPYRIGHTS,
 12 from 1980 to present.

13 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 29:**

14 Responding Party objects to this request on the grounds that: (i) the request is overly broad
 15 and ambiguous; (ii) the request seeks information which is neither relevant to the claims and
 16 defenses asserted in this action, nor reasonably calculated to lead to discovery of admissible
 17 evidence; (iii) the request seeks information protected from disclosure by the attorney-client
 18 privilege and/or attorney work product doctrine; (iv) the request is unnecessarily invasive of
 19 Responding Parties' right to maintain and protect its trade secrets; (v) the request is unnecessarily
 20 invasive of Responding Parties' confidential business information and rights of privacy; and (vi)
 21 the request purports to impose obligations upon Responding Parties that exceed those imposed by
 22 the Federal Rules of Civil Procedure and Local Rules.

23 Subject to and without waiving the stated objections, Responding Parties will produce the
 24 relevant non-privileged documents concerning eTrepid.

25 **REQUEST FOR PRODUCTION NO. 30:**

26 All DOCUMENTS that RELATE TO any attempt (either successful or unsuccessful) by
 27 YOU to sell, license, distribute or otherwise exchange for value any interest in software or other
 28

1 technology in the fields of data compression, object tracking, pattern recognition, or anomaly
2 detection, from January 18, 2006 to present.

3 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 30:**

4 Responding Party objects to this request on the grounds that: (i) the request is overly broad
5 and ambiguous; (ii) the request seeks information which is neither relevant to the claims and
6 defenses asserted in this action, nor reasonably calculated to lead to discovery of admissible
7 evidence; (iii) the request seeks information protected from disclosure by the attorney-client
8 privilege and/or attorney work product doctrine; (iv) the request is unnecessarily invasive of
9 Responding Parties' right to maintain and protect its trade secrets; (v) the request is unnecessarily
10 invasive of Responding Parties' confidential business information and rights of privacy; and (vi)
11 the request purports to impose obligations upon Responding Parties that exceed those imposed by
12 the Federal Rules of Civil Procedure and Local Rules.

13 **REQUEST FOR PRODUCTION NO. 31:**

14 All DOCUMENTS that RELATE TO any attempt (either successful or unsuccessful) by
15 YOU to sell, license, distribute or otherwise exchange for value any interest in software or other
16 technology in the fields of data compression, object tracking, pattern recognition, or anomaly
17 detection, from February 8, 2006 to present.

18 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 31:**

19 Responding Party objects to this request on the grounds that: (i) the request is overly broad
20 and ambiguous; (ii) the request seeks information which is neither relevant to the claims and
21 defenses asserted in this action, nor reasonably calculated to lead to discovery of admissible
22 evidence; (iii) the request seeks information protected from disclosure by the attorney-client
23 privilege and/or attorney work product doctrine; (iv) the request is unnecessarily invasive of
24 Responding Parties' right to maintain and protect its trade secrets; (v) the request is unnecessarily
25 invasive of Responding Parties' confidential business information and rights of privacy; and (vi)
26 the request purports to impose obligations upon Responding Parties that exceed those imposed by
27 the Federal Rules of Civil Procedure and Local Rules.

28

1 **REQUEST FOR PRODUCTION NO. 32:**

2 All DOCUMENTS under YOUR control which RELATE TO Michael Sandoval, who
3 resides in or near Portland, Oregon, which date from January 18, 2006 to present.

4 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 32:**

5 Responding Party objects to this request on the grounds that: (i) the request is overly broad
6 and ambiguous; (ii) the request seeks information which is neither relevant to the claims and
7 defenses asserted in this action, nor reasonably calculated to lead to discovery of admissible
8 evidence; (iii) the request seeks information protected from disclosure by the attorney-client
9 privilege and/or attorney work product doctrine; and (iv) the request purports to impose obligations
10 upon Responding Parties that exceed those imposed by the Federal Rules of Civil Procedure and
11 Local Rules.

12 Subject to and without waving the stated objections, Responding Parties respond that they
13 have no documents responsive to this request in their possession, custody, or control.

14 **REQUEST FOR PRODUCTION NO. 33:**

15 All DOCUMENTS that RELATE TO any attempt (either successful or unsuccessful) by
16 YOU and in conjunction with Michael Sandoval (who resides in or near Portland, Oregon) to sell,
17 license, distribute or otherwise exchange for value any interest in software or other technology in
18 the fields of data compression, object tracking, pattern recognition, or anomaly detection, from
19 January 18, 2006 to present.

20 **SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION NO. 33:**

21 Responding Party objects to this request on the grounds that: (i) the request is overly broad
22 and ambiguous; (ii) the request seeks information which is neither relevant to the claims and
23 defenses asserted in this action, nor reasonably calculated to lead to discovery of admissible
24 evidence; (iii) the request seeks information protected from disclosure by the attorney-client
25 privilege and/or attorney work product doctrine; and (iv) the request purports to impose obligations
26 upon Responding Parties that exceed those imposed by the Federal Rules of Civil Procedure and
27 Local Rules.

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2
3 Subject to and without waving the stated objections, Responding Parties respond that they
4 have no documents responsive to this request in their possession, custody, or control.
5

6 Dated: January 25, 2008

Respectfully submitted,

7 LINER YANKELEVITZ
8 SUNSHINE & REGENSTREIF LLP

9
10 By: 

11 Deborah A. Klar
12 Tuneen E. Chisolm
13 Attorneys for Plaintiffs
14 DENNIS MONTGOMERY and the
15 MONTGOMERY FAMILY TRUST
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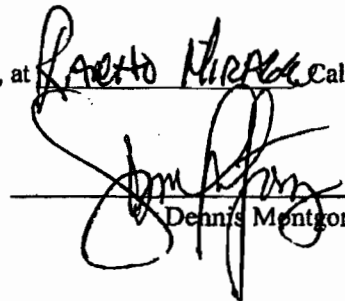
VERIFICATION

I have read the foregoing PLAINTIFFS DENNIS MONTGOMERY AND THE
MONTGOMERY FAMILY TRUST'S SUPPLEMENTAL RESPONSES TO DEFENDANT
ETREPPID TECHNOLOGIES, LLC'S REQUESTS FOR PRODUCTION OF DOCUMENTS,
SET ONE and know its contents.

I am a party to this action.

I declare under penalty of perjury under the laws of the United States of America that the
foregoing is true and correct.

Executed on this 5 day of January, 2008, at La Jolla, California.


Dennis Montgomery

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the LAW OFFICES OF LINER YANKELEVITZ SUNSHINE & REGENSTREIF LLP, and that on **January 25, 2008**, I caused to be served the within document described as **PLAINTIFFS DENNIS MONTGOMERY'S AND THE MONTGOMERY FAMILY TRUST'S SUPPLEMENTAL RESPONSES TO DEFENDANT ETREPPID TECHNOLOGIES, LLC'S REQUESTS FOR PRODUCTION OF DOCUMENTS, SET ONE** on the interested parties in this action as stated below:

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☒ (BY MAIL) By placing a true copy of the foregoing document(s) in a sealed envelope addressed as set forth above. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing contained in affidavit.

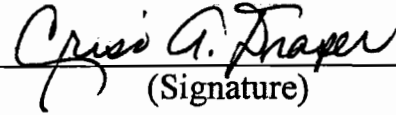
☒ [Federal] I declare that I am employed in the offices of a member of the State Bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

PROOF OF SERVICE

1 I declare under penalty of perjury under the laws of the State of California and
2 the United States of America that the foregoing is true and correct.

3 Executed on January 25, 2008, at Los Angeles, California

4 Criss A. Draper
5 (Type or print name)


(Signature)

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PROOF OF SERVICE